

into the State of Missouri, of a quantity of fresh tomatoes which were misbranded. The article, contained in lugs (crates), was labeled: "Net Weight, Not Less Than 30 Lbs. When packed [design showing St. Patrick holding a church building in left hand and with staff in right hand chasing snakes into the sea] San Pat Brand Tomatoes [design showing one red, ripe tomato and one-half of a red, ripe tomato] Packed and shipped by San Pat Vegetable Co. Sinton (San Patricio County) Texas."

The article was alleged to be misbranded in that the statement, "Net Weight Not Less Than 30 Lbs.", borne on the lugs, was false and misleading and in that by reason of said statement, the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the lugs each contained 30 pounds net of the article; whereas, in fact, the lugs each contained less than 30 pounds net of the article. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents was less than 30 pounds, the quantity stated on the package.

On April 28, 1936, a jury having been waived, the case came on for trial before the court, and upon a judgment of guilty, the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**25956. Adulteration of confectionery. U. S. v. Morris Fineblum (M. Fineblum Candy & Tobacco Co., The Cedar Chest & Cabinet Cigar Co.). Pleas of guilty. Fine, \$10. (F. & D. no. 35976. Sample nos. 54469-A, 54470-A.)**

This case involved sale in the District of Columbia of a quantity of confectionery that contained spirituous liquor.

On October 24, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District an information against Morris Fineblum, trading as the M. Fineblum Candy & Tobacco Co. and the Cedar Chest & Cabinet Cigar Co., Washington, D. C., charging sale by said defendant in the District of Columbia in violation of the Food and Drugs Act, on or about December 2 and 15, 1933, of a quantity of confectionery that was adulterated. The article was contained in boxes, labeled "Mademoiselle Modiste Confiseur Rue St. Honore Poids Net 500 Grammes", and each of a number of pieces of the article contained in each box was labeled, "Mlle. Modiste Rhum [or "Cognac", "Apricot", or "Benedictine"]."

The article was alleged to be adulterated in that it contained spirituous liquor.

On October 24, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**25957. Misbranding of preserves, jam, jelly, and marmalade. U. S. v. Griggs, Cooper & Co. (Sanitary Food Manufacturing Co.). Plea of nolo contendere. Fine, \$60. (F. & D. no. 36080. Sample nos. 35913-B, 35914-B, 35916-B to 35925-B, incl., 38451-B.)**

This case involved interstate shipment of quantities of preserves, jam, jelly, and orange marmalade that were misbranded because the quantities of contents of the containers were less than the quantities represented on the labels.

On January 27, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Griggs, Cooper & Co., a corporation, trading as the Sanitary Food Manufacturing Co., St. Paul, Minn., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about June 28, July 16, and July 27, 1935, from the State of Minnesota into the State of Colorado, of quantities of preserves, jam, jelly, and orange marmalade which were misbranded. The articles in the shipment of June 28, contained in tumblers and jars, were labeled in part, respectively: "Brown's J. S. B. \* \* \* 14 Oz. Net Pure Blackberry [or "Peach" or "Red Raspberry"] Preserves [or "Concord Grape Jam"]"; and "Brown's J. S. B. \* \* \* 1 Lb. Net Pure Seedless Red Raspberry Preserves." The articles in the shipment of July 16, contained in tumblers or jars, were labeled in part, respectively: "Brown's J. S. B. \* \* \* 14 Oz. Net Pure Strawberry [or "Youngberry", "Red Cherry", "Blackberry", "Pineapple", "Red Raspberry", "Peach", "Loganberry", "Pine-Cot", or "Apricot"] Preserves [or "Concord Grape Jam"]";